

Appl. No. 10/784,358
Amdt. dated July 25, 2006
Reply to Office Action of Jan. 25, 2006

Amendments to the Drawings:

Attached as an Appendix to this amendment is a replacement drawing sheet 1 of 11 showing a corrected FIG. 1.

REMARKS/ARGUMENTS

This Amendment responds to the office action mailed January 25, 2006.

The Examiner objected to the drawings because reference numerals 38 and 40, shown in FIG. 1, were not described in the specification. Attached as an appendix to this amendment is a substitute drawing sheet correcting FIG. 1 to remove these reference numerals.

The Examiner rejected claims 1-6 under 35 U.S.C. § 112, second paragraph because independent claim 1 was directed to a “system”, yet recited steps. Independent claim 1 has been amended so that it is directed to a method.

The Examiner rejected claims 1-13 under 35 U.S.C. § 102(a) as being anticipated by Werkoven, WO 99/59097. The Examiner’s rejection is improper as the Examiner has failed to properly assert that the cited reference teaches all claim limitations. Specifically, independent claim 1 recites the limitation of “maintaining said post-session platform in said background until a *viewer driven* view triggering event occurs.” (emphasis added). Similarly, independent claim 7 recites the limitation of a “post-session platform coming to said foreground of said media in response to a *viewer driven* view triggering event.” The Examiner does not allege that the prior art discloses a *viewer driven* view triggering event; instead, the Examiner simply asserts that the cited reference discloses loading an advertisement into a background window and bringing it into the foreground in response to a view-triggering event, which is disclosed in the cited reference as the completion of the advertisement being loaded. Thus, the prior art view-triggering event is not viewer-driven, but occurs automatically irrespective of anything the viewer does.

The applicant further notes that claims 1 and 7 each distinguish between load triggering events and view triggering events, i.e. a load triggering event is something that initiates loading an advertisement in a window, while a viewer driven view triggering event is something subsequent that the viewer does to bring the advertisement to the foreground once the advertisement is loaded. The specification at p. 13 lines 27-38 describes exemplary viewer driven view triggering events. The cited reference describes only one view triggering event – completion of loading – that is not viewer driven, and therefore does anticipate any of the presented claims.

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Enclosed with this amendment is a copy of a declaration under 35 U.S.C. § 131 that antedates the pornrodeo source code, which is prior art of record with respect to the priority date of this application. This declaration was filed in co-pending, related Application No. 09/866,425.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-13.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Kurt", followed by a horizontal line.

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Appendix

Attached to this amendment is a replacement drawing sheet 1 of 11 showing a corrected
FIG. 1.